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RUEAIIA/CIA WASHDC
RUA EJAA/JAC MOLESWORTH RAF MOLESWORTH UK
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UNCLAS SECTION 01 OF 02 HARARE 000291

SIPDIS

SENSITIVE
SIPDIS

SES-O
AF/S FOR S. HILL
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
STATE PASS TO USAID FOR E. LOKEN AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR B. PITTMAN

E.O. 12958: N/A
TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [ASEC](#) [ZI](#)
SUBJECT: A ZANU-PF SENATE CAN DELAY, BUT NOT STOP LEGISLATION

REF: HARARE 00273

¶1. (U) SUMMARY: The Zimbabwe Electoral Commission (ZEC) announced final results for the 60 Senate seats contested with ZANU-PF winning 30 seats, MDC Tsvangirai 24 seats, and MDC Mutambara 6 seats. In addition to the 60 contested seats, there are 33 Senate seats filled by appointment, as follows: 18 seats drawn from traditional chiefs, 10 seats filled by provincial governors, and five seats representing special interest groups. With 30 contested Senate seats wrapped up and traditional chiefs in pocket, ZANU-PF will likely maintain a majority in the upper house regardless of who eventually wins the presidency. In the event of an MDC presidency, a ZANU-PF controlled Senate could only delay the legislative process and not bring it to a full stop. END SUMMARY.

Senate Results In

¶2. (U) The ZEC announced final results for the 60 Senate seats contested with ZANU-PF winning 30 seats, MDC Tsvangirai 24 seats, and MDC Mutambara 6 seats. In addition to the 60 contested seats, there are 33 Senate seats filled by presidential appointment, as follows: 18 seats filled by traditional chiefs elected by fellow chiefs plus the president and deputy president of the Council of Chiefs, 10 seats filled by provincial governors who are appointed to governorships by the president, and five seats are appointed by the president to represent special interest groups.

¶3. (U) According to official results published in the government-controlled newspaper The Herald, 2,422,980 valid votes were cast in the Senate elections -- ZANU-PF received 1,102,230 votes (45.5 percent), MDC Tsvangirai 1,055,514 (43.6 percent), MDC Mutambara 193,068 (8.0 percent), and independents and other minor parties 72,168 (3.0 percent). These percentages track with the House of Assembly results released last week (reftel). There were five Senate races won by ZANU-PF in which the total combined votes for the two MDC formations were more than the ZANU-PF votes.

Additionally, the MDC Tsvangirai did not fare as well in Mashonaland provinces, picking up only one Senate seat compared with the 12 House of Assembly seats won in these previously "no-go" areas for the opposition.

¶4. (U) Notable ZANU-PF losses were former Zimbabwe Defense Forces commander retired general Vitalis Zvinavashe in Gutu constituency in Masvingo province and Deputy House Speaker Kumbirai Kangai in Buhera constituency in Manicaland province. ZANU-PF winners included Senate Speaker Edna Madzongwe in Chegutu constituency in Mashonaland West province, former finance minister Herbert Murerwa in Goromonzi constituency in Mashonaland East province, and Defense Minister Sydney Sekeramayi in Marondera-Hwedza constituency in Mashonaland East province. MDC Mutambara candidate David Coltart won in Khumalo constituency in Bulawayo Metropolitan province.

A ZANU-PF MAJORITY IN SENATE

¶5. (U) With 30 contested seats wrapped up, ZANU-PF will likely maintain a majority in the upper house regardless of who eventually wins the presidency and fills the Senate appointments because the traditional chiefs invariably vote with ZANU-PF. If President Mugabe manages to win the presidency, ZANU-PF would control a total of 63 seats, which is more than a two-thirds majority in the Senate. If Morgan Tsvangirai wins the presidency and appoints the other 15 seats (apart from the traditional chiefs), ZANU-PF will still control 48 seats compared with the opposition's 45 seats.

¶6. (SBU) Israel Chilimanzi, legislative program advisor at the USG-funded SUNY parliamentary project, explained that a ZANU-PF

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controlled Senate could only delay the legislative process in the event of a MDC presidency and not bring it to a full stop. Chilimanzi added that the House of Assembly was the more important and powerful body because it could introduce money bills as well as by-pass the Senate to send bills to the president for assent. As such, a ZANU-PF controlled Senate could only manage to delay rather than stop legislative business.

Roles of Parliament

¶7. (U) The two houses of Parliament have four roles: legislative, executive oversight, representational, and forum for public debate. As per the Constitution, Parliament performs its legislative role by passing Bills that are subject to assent by the president. Passage of legislation requires the participation of both Houses. Any bill, except a money bill, can be introduced in either house. Money bills can only be introduced in the House of Assembly, but must be considered by both Houses. Each house is free to make amendments to any bill that comes before it. A bill is considered passed with a simple majority in both houses. A constitutional bill is considered passed with a two-thirds affirmative vote of the total membership of each house. Parliament also performs executive oversight by scrutinizing government policies, programs and expenditure plans through the committee system and by making inputs into, monitoring, and approving the national budget.

How the Two Houses Relate

¶8. (U) The Constitution provides that if a disagreement between the two houses has not been resolved within 90 days, the bill may be presented to the President for assent in the form in which it was passed in the House of Assembly, with any amendments the Senate and the House of Assembly may have agreed on. Additionally, if the Senate does not pass a constitutional bill passed by the House of Assembly within a period of 180 days, the bill is deemed to have been passed by Parliament if two-thirds of the House of Assembly then agrees that the bill should be presented to the president in the form in which it was passed in the House of Assembly, with any

amendments the Senate and the House of Assembly may have agreed on. As such, it is explicit that where there is disagreement, the lower house bill prevails.

Presidential Assent

19. (U) Once a bill has been duly passed by Parliament, the bill is presented to the president for assent. The president is required to assent to the bill within 21 days or if he withholds assent, the bill is returned to the House of Assembly. If, within six months after a bill has been returned, the House of Assembly passes the bill again with two-thirds affirmative votes of all the members of the House of Assembly, the bill is again presented to the president for assent. The president is then required to give his assent to the bill within 21 days or dissolve Parliament.

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